

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JIMMIE POE

V.

UNION PACIFIC RAILROAD COMPANY

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CIVIL ACTION NO. G-10-043

OPINION AND ORDER

On May 18, 2010, the Honorable Kenneth M. Hoyt, United States District Judge, referred this case to this Court to conduct all pretrial proceedings. On September 23, 2010, Defendant, Union Pacific Railroad Company, filed its Motion to Transfer Venue in this case to the Houston Division. That Motion is now ripe for disposition.

However, on October 13, 2010, Union Pacific was granted leave, by this Court, to file its “Counterclaim to Enforce Settlement.” Thereafter, on October 20, 2010, the Parties appeared at a Hearing before Judge Hoyt at which he ordered them to “jointly provide the documents and discovery necessary for the Court to address the defendant’s counterclaim on or before December 15, 2010.” Since it appears, and counsel have confirmed through a telephone conference with this Court on November 1, 2010, that Judge Hoyt intends to resolve Union Pacific’s counterclaim, it seems inappropriate, at the present time, to decide the Motion to Transfer Venue on the merits.

It is, therefore, **ORDERED** that Union Pacific’s Motion to Transfer Venue (Instrument no. 14) is **SUMMARILY DENIED**, without prejudice to it being reurged, without refiling, if this cause remains on the active docket of the Court following Judge Hoyt’s resolution of Union Pacific’s counterclaim.

DONE at Galveston, Texas, this 2nd day of November, 2010.



John R. Froeschner
United States Magistrate Judge